

Delegate C.T. Wilson

Chair, House Economic Matters Committee

House Office Building – Room 231

Annapolis, MD 21401

Mr. Chairman,

My name is David Eugene Waybright and I live in Elkton, MD. I am writing in support of HB 834, the Electric Vehicle Charging Reliability Act.

HB 834 will hold utilities participating in the Public Service Commission's ("PSC") EV Pilot Program ("Pilot program") to the same reporting requirements as private entities participating in the federal National Electric Vehicle Infrastructure ("NEVI") program. If an entity is utilizing taxpayer or ratepayer funds to install and operate EV charging infrastructure, they should be held to increased accountability and transparency requirements.

In 2019, the Public Service Commission ("PSC") approved an EV charging pilot program ("Pilot program"), allowing BGE, Pepco, Potomac Edison and later SMECO utilities across Maryland to install public charging equipment around the State. The program was narrowly tailored to allow these utilities to install chargers on property leased, owned, or occupied by state, county, or municipal government. The program also allows utilities to offer residential and non-residential rebates to incentivize individuals and commercial entities to install EV Chargers. To date, over 960 utility owned charging stations have been installed.

Components of the Pilot program will expire at the end of 2025. Like our considerations regarding other PSC programs, the General Assembly will need to evaluate the results of the Pilot program and determine whether utilities are sufficiently capable of installing, operating, and maintaining EV charging stations. HB 834 requires utilities to provide more detailed information regarding their charging infrastructure, while also expanding the pilot program to account for market failures that continue to impact underserved communities.

Throughout the Pilot program, utilities have consistently lauded their ability to install and maintain reliable chargers. Some utilities have reported an uptime of 99% in their semi-annual progress reports, while others have stated that leaving utilities out of the EV charging infrastructure market could lead to "electric system safety and reliability risks." As the Pilot program has progressed, utilities have also sought expansions to allow them to further their participation in the EV charging installation marketplace.

Questions regarding the accuracy of the data submitted by the utilities have persisted through the Pilot program. First, different methods for calculating uptime and different definitions of reliability have made it difficult to define success. Second, the various third parties employed by utilities to install chargers have demonstrated an inability to guarantee reliability. Potomac Edison, for example, has acknowledged that they "cannot confirm . . . that hardware and software are both online and available for use, or in use, and the charging port successfully dispenses electricity as expected." This is in direct contradiction to utility assurances that they could obtain, install, and maintain reliable EV charging stations. Finally, consumer experience offers a different reliability reality than the one portrayed in the semi-annual progress reports offered by the utilities. Consumer advocates, including myself, have tested chargers specifically operated by utilities and found that their reliability is well below the reported 95-99%.

The utilities are using different tactics to invalidate consumer experience from reporting 95-99% uptime to telling customers the problem is with their car or adapter. Looking at apps like PlugShare, a community driven EV charger locator, you can see several EV owners have the same experience with the chargers with errors. EV Drivers have had issues ranging from machines powered off, machines on but offline, machines online but not accepting cards or activations, machines that activate but stop mins later, machines that activate but only provide a small percentage of the rated power, dual connector machines that activate on one connector but not the other, etc.

The problem with the issues I raise in the above paragraph is that over half of these issues are reported to the PSC as successful charges do to the fact the customer were successful at putting power into the car if even for 1 min. This is why we need these reliability standards and reporting guidelines.

It is settled that electric companies will be integral partners as we seek to increase electrification; the size and scope of their participation must be carefully determined by lawmakers in the coming years. HB 834 seeks to increase the data provided by the utilities to the PSC regarding the reliability of their chargers, so lawmakers can make informed decisions regarding the future role of utilities in installing EV chargers. First, the bill establishes a uniform definition of uptime and sets a uniform goal of 97% uptime for all utilities. This definition and goal mirror the final regulations regarding the National Electric Vehicle Infrastructure (“NEVI”) program administered by the Federal Highway Administration (“FHWA”). Additionally, the bill mandates quarterly reporting requirements that mirror the NEVI program requirements, requiring utilities to report the following data:

- The location of the EV charging station, and for each charging station:
  - o Charging station start and end times and rates of successful completion;
  - o The total amount of electricity dispensed into an electric vehicle for each charging session;
  - o The peak amount of electricity dispensed for each charging station;
  - o Uptime each of the previous three months;
  - o The cost of electricity needed to operate each station for the previous three months;
  - o Maintenance and repair costs for each of the previous three months;
  - o The cost of acquiring real property for use as an EV charging station;
  - o The cost of acquiring and installing the charging equipment;
  - o The cost of acquiring and installing distributed energy resources;
  - o The cost of connecting to the electric grid and any applicable connection upgrades; and
  - o The capacity of each distributed energy resource used by an EV charging station.

With this information, the PSC and lawmakers will be able to gain an accurate depiction of the utilities ability to install and maintain reliable EV charging infrastructure.

This bill also addresses concerns regarding the repair of broken charging stations. Consumer experiences have demonstrated that broken chargers often have multiple repair tickets filed and remain broken for several weeks. Since third party entities employed by the utilities, like ChargePoint, often do not provide staff to repair chargers once they are installed, it is up to the utilities to repair broken chargers. HB 834 mandates that utilities participating in the Pilot program maintain an adequate number of staff to monitor,

assess, and repair their EV charging stations. This reform was also cited in a recent PSC report regarding EV charger reliability, stating that several parties engaged in the NEVI rulemaking process “stressed the importance of allowing all properly trained technicians to service EVSEs for customer experience and reliability purposes.”

Finally, this bill expands the Pilot program to determine whether utilities are capable of correcting market failures that have impacted underserved communities. Currently, there is a demonstrative lack of EV charging infrastructure in underserved communities, with significant gaps in neighborhoods in Prince George’s County, Cumberland, and on the Eastern Shore. Recognizing the failure of private industry to place EV charging stations in underserved communities, the PSC has authorized narrowly tailored rebate and installation programs to reduce this disparity. So far, the installation program has had considerably more success than the rebate program for multi-unit dwellings with nearly 200 multifamily chargers either rebated or installed through June 30, 2022. HB 834 seeks to close this gap by expressly expanding the Pilot program to allow utilities to install EV charging stations in new and existing multifamily dwellings in underserved communities through December 31, 2025.

We do not want a relapse of the failed Energy Administration’s Electric Vehicle Infrastructure Program (EVIP) that Maryland had in 2015 whereas Royal Farms installed over 20 chargers in Maryland, filed their required reports, when their requirements were over, they allowed all their chargers to fail without repairs and shutdown and bagged the failed chargers. They have walked away with all that taxpayer money with nothing to show for it. We cannot let the utilities do the same thing.

HB 834 will ensure all entities that use public funds to install EV chargers are held to a uniform standard to improve consumer experience and incentivize more drivers to switch to EVs. HB 834 will also allow lawmakers to make more informed decisions regarding the role of utilities in promoting EVs moving forward.

Thank you for your consideration, and I urge a favorable report on HB 834.

Sincerely,

David Eugene Waybright

Elkton, MD